

Serial No. 10/612,176
June 1, 2005
Page 19 of 20

Remarks

Claim 23 has been amended to depend from Claim 1. Applicants submit that this amendment is supported by the claims as originally filed.

Claims 1-18 and 20-29 are in the case. Claims 1-18 are presently active, and non-elected method Claims 20-29 have been withdrawn by the Examiner.

Applicants wish to thank the Examiner for her indication that Claims 1-18 are allowable over the art of record.

In regard to Claims 20-29, M.P.E.P. § 821.04 states:

"Where product and process claims drawn to independent and distinct inventions are presented in the same application, applicant may be called upon under 35 U.S.C. 121 to elect claims to either the product or process. See MPEP § 806.05(f) and § 806.05(h). The claims to the non-elected invention will be withdrawn from further consideration under 37 CFR 1.142. See MPEP § 809.02(c) and § 821 through § 821.03. However, if applicant elects claims directed to the product, and a product claim is subsequently found allowable, withdrawn process claims which depend from or otherwise include all the limitations of the allowable product claim will be rejoined."

On July 22, 2004, the Examiner issued a restriction in the present application. Group I comprises piperidinyl compounds of formula (I) of the present invention. Group IV comprises method Claims 20, 21, 25, and 26; Group V comprises method Claims 22-24, 27, and 28; and Group VI comprises method Claim 29.

Applicants subsequently elected the invention of Group I (with traverse). Accordingly, applicants elected "claims directed to the product".

In Applicants response of February 10, 2005, Applicants amended the claims to correspond to Applicants election of Group I. In the Official Action of May 17, 2005, the Examiner kindly indicated that amended Claims 1-18 are allowable. Accordingly, the elected product claims have "subsequently [been] found allowable".

Method Claims 20-29 "depend from" the "allowable product claim[s]" and should therefore be rejoined as provided by MPEP § 821.04.

Accordingly, Applicants respectfully request rejoinder of Claims 20-29.

53850-1

Serial No. 10/612,176
June 1, 2005
Page 20 of 20

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53850-1